reconsideration of the present application in light of above

listed amendments and the below recited remarks.

Initialed PTO FORM-1449

In a communication mailed October 20, 2000, Applicants

submitted an Information Disclosure Statement and PTO FORM-1449.

An Examiner-initialed copy of the FORM-1449 has not been

received. Applicants' undersigned attorney respectfully requests

that the Examiner provide an initialed copy of the FORM 1449

indicating the Examiner has considered the references in

connection with this application.

Oath/Declaration

The Examiner has objected to the oath as allegedly not being

in permanent ink and not being executed by all inventors.

Applicants respectfully request the Examiner reconsider his

rejections. In a communication mailed on February 20, 2001, a

Supplemental Declaration and Power of Attorney was submitted to

the Patent Office. A stamped return post card indicates the

Supplemental Declaration was received on February 23, 2001. The

Supplemental Declaration and Power of Attorney was executed by

both inventors in ink. Courtesy copies of the Supplemental

Declaration and stamped return post card are provided herewith.

Applicants respectfully request withdrawal of the Examiner's objection.

Rejections Under 35 U.S.C. § 112

Claims 21 through 89 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to specifically define and distinctly claim the invention. Specifically, the Examiner alleges that "[t]he claims are too broad to delineate the precise nature of the disclosure." (Office Action, ¶ 4). Applicants' undersigned attorney notes that M.P.E.P. § 2173.4 specifies that "breadth is not to be equated with indefiniteness." *citing In re Miller*, 169 U.S.P.Q. 597 (C.C.P.A. 1971). "If the scope of the subject matter embraced by the claims is clear . . . . then the claims comply with 35 U.S.C. § 112, second paragraph." M.P.E.P. § 2173.4. Applicants' undersigned attorney respectfully submits that the scope of the subject matter embraced by the pending claims is clear, and requests that if the Examiner maintains his rejection, he note the specific claim elements allegedly failing to satisfy 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. § 103(a)

Claims 21 through 81 stand rejected as allegedly being obvious over O'Shaughnessy II in view of Black, Melnikoff, and Lange. Applicant respectfully disagrees.

The Claimed Invention

The present application discloses "a method of filtering and sorting online financial data." (Application, Field of the Invention). More specifically, there is disclosed "an interactive method . . . for **timely processing data to meet the criteria of individual clients**. This criteria can be easily changed to allow these **clients the ability to request many variations of the data based on their individual needs**." (Application, Summary of the Invention).

Accordingly, claim 21, which is representative of the other independent claims, is directed to a "method of identifying financial instruments meeting user-defined investment criteria." The claimed method comprises the following steps:

"retrieving financial instrument data from at least one data source;

processing the financial instrument data to identify values for a plurality of searchable parameters for particular financial instruments in said financial instrument data;

receiving user-defined search criteria for said searchable

parameters;

comparing the user-defined search criteria with the values

identified for the searchable parameters for the particular

financial instruments; and

identifying at least one of the financial instruments having

values for the searchable parameters matching the user-defined

search criteria."

In order for a set of references to render obvious this and the

other independent claims, the references must teach the

combination of all of the claimed elements, including those

emphasized. Applicants' undersigned attorney respectfully

submits that the cited references do not.

The Cited References Do Not Teach the Claimed Invention

The Examiner cites U.S. Patent 6,317,726 (O'Shaughnessy II)

as prior art. In fact, O'Shaughnessy II has a filing date of

July 27, 1999. The present application is a continuation of

patent application 09/086,738 filed May 29, 1998. Thus,

O'Shaughnessy II is not prior art.

Furthermore, U.S. Patent 5,978,778 (O'Shaughnessy I), from

which O'Shaughnessy II is a continuation-in-part, does not teach

the elements of the claimed invention. O'Shaughnessy I teaches a

method for selecting a portfolio of stocks. Specifically,

O'Shaughnessy I teaches screening stocks against a predetermined,

i.e. not user-defined, set of criteria to arrive at an alleged

optimal portfolio of stocks. As illustrated in Figures 1 and 2

of O'Shaughnessy I, the stocks are screened sequentially against

the **predetermined set of criteria**, with the stocks not meeting

any one criteria being removed from further evaluation. In

contrast to O'Shaughnessy I, Applicants' methods require

"receiving **user-defined search criteria** for said searchable

parameters," and "comparing **the user-defined search criteria** with

the values identified for the searchable parameters for the

particular financial instruments." O'Shaughnessy I entirely

fails to teach these claimed elements. Indeed, by teaching a

predetermined set of filtering criteria, O'Shaghnessy I actually

teaches away from accepting **user-defined criteria** and comparing

these to values for searchable parameters.

Melnikoff is directed to methods for evaluating portfolios

based on investment risk. According to Melnikoff, an asset, or a

set of assets and their relative proportions, are selected from a

library of assets to form a tentative investment portfolio.

(Melnikoff, Col. 4, ll. 15-17). The average relative performance of the portfolio is computed. (Melnikoff, Col. 4, ln. 16.) The performance of the tentative portfolio is compared to criteria derived from investor preference data. If the criteria are satisfied, the tentative portfolio is designated as the investment portfolio. If not, a new tentative portfolio is selected and the processing sequence is repeated in an iterative manner until the criteria derived from the investor preference data are satisfied. (Melnikoff, Col. 4, ll. 32-29.) Thus, Melnikoff teaches an automated iterative loop for testing potential portfolio asset allocations against a desired investment risk to arrive at a single portfolio. In contradistinction to the claimed invention, Melnikoff simply does not teach "processing the financial instrument data to **identify values for a plurality of searchable parameters** for particular financial instruments in said financial instrument data" and "receiving **user-defined search criteria for said searchable parameters.**" Accordingly, Melnikoff cannot possibly teach "**comparing the user-defined search criteria with the values identified for the searchable parameters** for the particular financial instruments.

Black is directed to a security analysis system. Black

teaches "converting both technical and fundamental data about a security into a unified format for analysis" (Summary of the Invention). The converted data is processed "in accordance with a set of rules and the results are forwarded to a display for viewing" (Summary of the Invention). The Examiner cites to column 4, lines 1 through 7 of Black as allegedly teaching accepting user defined search criteria for searchable parameters. (Office Action, ¶ 7). In fact, the portion of the reference to which the Examiner cites discusses how "fundamental history data" had been analyzed in relation to technical data prior to Black's supposed invention. Black teaches **using pre-stored rules** for analyzing data, **not user-defined criteria** as required by the claims. (Black, col. 4, ll. 48-52). Indeed, Black does not even mention "receiving user-defined search criteria for said searchable parameters," and "comparing the user-defined search criteria with the values identified for the searchable parameters for the particular financial instruments."

The Examiner also cites to Lange as teaching various aspects of the claimed invention. Lange was filed November 24, 1999 and claims priority to a provisional application filed July 21, 1999. However, the present application has an effective priority date of May 29, 1998. Accordingly, Lange is not prior art to the

present application.

Therefore, because they do not teach or even suggest processing the financial instrument data to identify values for a plurality of searchable parameters for particular financial instruments, receiving user-defined search criteria for the searchable parameters, and comparing the user-defined search criteria with the values identified for the searchable parameters for particular financial instruments, the cited references do not anticipate or render obvious Applicants' independent claims. As the dependent claims comprise all of the limitations of the independent claims from which they depend, they likewise are not obvious in light of the references. Accordingly, Applicants respectfully submit that all claims patentably define over the cited references.
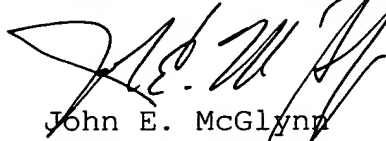
CONCLUSION

For all the foregoing reasons, Applicants respectfully submit that claims 21-89 patentably define over the prior art of record. Reconsideration of the present Office Action and a Notice of Allowance are respectfully requested.

A speedy and favorable first office action is respectfully solicited.

Respectfully submitted,

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Date: 9/20/02

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claims 21, 26, 27, 28, 44, 45, 57, 58, 63, 65, 81, 82, 83, 84, 85, 86, and 87 as follows:

21. (amended) A method of identifying financial instruments meeting [predetermined] user-defined investment criteria, comprising the steps of:

retrieving financial instrument data from at least one data source;

processing the financial instrument data to identify values for a plurality [set] of searchable parameters [corresponding to the predetermined investment criteria] for particular financial instruments [included] in said financial instrument data;

[accepting] receiving user-defined search criteria for said searchable parameters;

[searching]comparing the user-defined search criteria with the values identified for the [set of] searchable parameters for the particular financial instruments [for values matching the user-defined search criteria]; and

identifying [a set of] at least one of the financial instruments [corresponding to] having values for the searchable

parameters matching the user-defined search criteria.

26. (amended) The method of claim 21, wherein said step of processing the financial instrument data to identify values for a plurality [set] of searchable parameters comprises the step of calculating data values for the searchable parameters from the financial instrument data.

27. (amended) The method of claim 26, wherein said step of [identifying] calculating data values for the [set of] searchable parameters from the financial instrument data comprises the step of calculating values for at least one of the following search parameters: Black-Scholes value, percent if called, percent if not called, in the money, out of the money, volatility, earnings change, and spread between called and not called.

28. (amended) The method of claim 21, wherein the step of comparing the user-defined search criteria with the values identified for the searchable parameters [searching the financial instrument data for values matching the user-defined search criteria] comprises the step of searching financial instrument data comprising at least one of the following: open interest;

option month; spread between called and not called; price;

volume; volatility; price earnings ratio; earnings change;

percentage volume change; number of shares; range between high

and low values; and put options.

44. (amended) A computer-readable medium [having]

comprising computer-executable instructions for identifying

financial instruments meeting [predetermined] user-defined

investment criteria, the computer readable medium being readable

by a computer to process the instructions to perform [comprising]

the following steps:

retrieving financial instrument data from at least one data

source;

processing the financial instrument data to identify values

for a plurality [set] of searchable parameters [corresponding to

the predetermined investment criteria] for particular financial

instruments [included] in said financial instrument data;

[accepting] receiving user-defined search criteria for said

searchable parameters;

[searching] comparing the user-defined search criteria with

the values identified for the [set of] searchable parameters for

the financial instruments having[for] values matching the user-

defined search criteria; and

identifying [a set of] at least one of the financial instruments [corresponding to] having values for the searchable parameters matching the user-defined search criteria.

45. (amended) A method of providing financial data to a user over a computer communications network, comprising the steps of:

retrieving financial instrument data from at least one data source;

creating a database of searchable data from the financial instrument data, said database comprising for each of the financial instruments values for a plurality of searchable parameters;

receiving user-defined search criteria via the computer communications network;

searching the database of searchable data for financial instruments having values for a plurality of searchable parameters [to identify a set of financial instruments] that satisfy the user-defined search criteria; and

returning a representation of at least one of the plurality [the identity of the identified set] of financial instruments

having values for the searchable parameters satisfying the user-
defined search criteria to the user over the computer
communications network.

57. (amended) A computer-readable medium [having]
comprising computer-executable instructions for identifying
financial instruments meeting user-defined investment criteria,
the computer readable medium being readable by a computer to
process the instructions to perform [performing] the following
steps:

retrieving financial instrument data from at least one data
source;

creating a database of searchable data from the financial
instrument data, said database comprising values for a plurality
of searchable parameters for financial instruments identified in
the financial instrument data;

receiving user-defined search criteria via the computer
communications network;

searching the database of searchable data for financial
instruments having values for a plurality of searchable
parameters [to identify a set of financial instruments] that
satisfy the user-defined search criteria; and

returning a representation of <u>at least one of the plurality</u>

[the identity of the identified set] of financial instruments

<u>having values for the searchable parameters satisfying the user-</u>

<u>defined search criteria</u> to the user over the computer

communications network.

58. (amended) A server system programmed to perform the

following steps:

creating a database of financial instrument data from at

least one data source;

creating a database of searchable data from the financial

instrument data, <u>said database comprising for each of a plurality</u>

<u>of financial instruments values for a plurality of searchable</u>

<u>parameters</u>;

receiving user-defined search criteria via a computer

communications network;

searching the database of searchable data <u>for financial</u>

<u>instruments having values for a plurality of searchable</u>

<u>parameters</u> [to identify a set of financial instruments] that

satisfy the user-defined search criteria; and

returning a representation of <u>at least one of the plurality</u>

[the identity of the identified set] of financial instruments

having values for the searchable parameters satisfying the user-
defined search criteria to the user over the computer
communications network.

63. (amended) The server of claim 58, wherein said step of
returning a representation of at least one of the plurality [the
identity of the identified set] of financial instruments [to the
user] comprises transmitting a representation of the at least one
of the plurality [identity of the identified set] of financial
instruments over the Internet.

65. (amended) A method of identifying financial instruments
meeting [predetermined] user-defined investment criteria to a
user, comprising the steps of:

presenting to a user a set of searchable parameters
[corresponding to the predetermined investment criteria];

accepting user-defined search criteria for said searchable
parameters;

transmitting the user-defined search criteria to a server
for searching for financial instruments having values [of] for
the searchable parameters corresponding to the user-defined
search criteria;

accepting from the server a set of financial instruments
[corresponding to] having values for the searchable parameters
matching the user-defined search criteria; and

presenting to a user the set of financial instruments
[corresponding to] having values for the searchable parameters
matching the user-defined search criteria.

81. (amended) A computer-readable medium [having]
comprising computer-executable instructions for identifying
financial instruments meeting user-defined investment criteria,
the computer readable medium being readable by a computer to
process the instructions to perform [performing] steps
comprising:

presenting to a user a set of searchable parameters
[corresponding to the predetermined investment criteria];

accepting user-defined search criteria for said searchable
parameters;

transmitting the user-defined search criteria to a server
for searching for financial instruments having values [of] for
the searchable parameters corresponding to the user-defined
search criteria;

accepting from the server a set of financial instruments

[corresponding to] having values for the searchable parameters
matching the user-defined search criteria; and

 presenting to a user the set of financial instruments
[corresponding to] having values for the searchable parameters
matching the user-defined search criteria.

 82. (amended) The method of claim 22 wherein the step of
[accepting] receiving user-defined search criteria for said
searchable parameters comprises the step of [accepting] receiving
user-defined search criteria for at least one of the following
searchable parameters: spread between called and not called;
percent if not called; percent if called; volume; open interest;
stock price; in the money; and out of the money.

 83. (amended) The method of claim 82, wherein the step of
[identifying] presenting to a user the [a] set of financial
instruments comprises the step of compiling a list of stock
options, wherein the list identifies for each stock option at
least one of the following: stock name; stock symbol; option
symbol; strike month; strike price; bid; volume; open interest;
percent if not called; and percent if called.

84. (amended) The method of claim 47 wherein the step of receiving user-defined search criteria comprises the step of [accepting] receiving user-defined search criteria for at least one of the following searchable parameters: spread between called and not called; percent if not called; percent if called; volume; open interest; stock price; in the money; and out of the money.

85. (amended) The method of claim 84, wherein the step of returning a representation of [the identity of the identified set of] at least one of the particular financial instruments comprises the step of returning a list of stock options, wherein the list identifies for each stock option at least one of the following: stock name; stock symbol; option symbol; strike month; strike price; bid; volume; open interest; percent if not called; and percent if called.

86. (amended) The method of claim 59 wherein the step of receiving user-defined search criteria comprises the step of [accepting] receiving user-defined search criteria for at least one of the following searchable parameters: spread between called and not called; percent if not called; percent if called; volume; open interest; stock price; in the money; and out of the money.

87.   (amended) The method of claim 86, wherein the step of

returning a representation of [the identity of the identified

set] at least one of the plurality of financial instruments

comprises the step of returning a list of stock options, wherein

the list identifies for each stock option at least one of the

following: stock name; stock symbol; option symbol; strike month;

strike price; bid; volume; open interest; percent if not called;

and percent if called.